IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 6466 of 2005

Between:

1 K. Shivaiah, S/o. K. Kotiah,
Employee No. 1337, Telecom Technical Assistant,

under the control of General Manager,
Telecom District, Adilabad.
2 W. Nagarjuna Chary, S/o. W.P. Laxmaiah,
Employee No. 1332, Telecom Technical Assistant,

under the control of General Manager,
Telecom District, Adilabad.
3 V. Sathyanarayana Rao, S/o. Hanumantha Rao,
Employee No. 1339, Telecom Technical Assistant,

under the control of General Manager,
Telecom District, Adilabad.
4 K. Narsaiah, S/o. Bhumaiah,
Employee No. 1329, Telecom Technical Assistant,

under the control of General Manager,
Telecom District, Adilabad.
5 T. Shyam Sunder, S/o. T. Narsimloo,
Employee No. 1327, Telecom Technical Assistant,

under the control of General Manager,
Telecom District, Adilabad.
6 K.P. Naik, S/o. K. Deshoo Naik,
Employee No. 1336, Telecom Technical Assistant,

under the control of General Manager,
Telecom District, Adilabad.

..... PETITIONERS

AND

1 Union of India, rep by its Secretary to Department of

Telecommunication,

Doorsanchar Bhavan, New Delhi-110001.
2 The Director General, Bharath Sanchar Nigam Limited,
Sanchar Bhavan, New Delhi-110001.
3 The Chief General Manager, BSNL, Andhra Pradesh Circle,

Abids, Hyderabad.
4 The General Manager, Telecom District, BSNL, Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of mandamus declaring that the petitioners are entitled for grant of relaxed standard in qualifying marks for the examination of Junior Telecom Officers held on 6-5-2000 against 35% quota in the same lines as was granted vide Lr.No. 12-15/2002-DE, dated 10-3-2003 by Bharat Sanchar NIgam Limited, Head Quarters, New Delhi in respect of Junior Telecom Officers against 15% quota vacancies in the examination held for promotion to J.T.Os. in the year 1999 and 2000 with all consequential benefits such as promotion, seniority, arrears of pay and allowances etc. and other attendant benefits to the posts of Junior Telecom Officers lying vacant by holding the action of the respondents in not extending the benefit of relaxed standards in the qualifying marks to the petitioners in the 35% quota examination held on 6-5-2000 while extending the said benefit of letter dated 10-3-2003 to those who appeared against 15% quota examination held in 1999 and 2000 is illegal, arbitrary, disceriminatory, violative of Articles 14, 16 and 21 of the Constitution and pass such other order or orders as this HOn'ble Court may dee fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.VENKATESWARA RAO

Counsel for the Respondent Nos.1 to 4:
MR A.SURYACHANDRARAO, SC FOR BSNL

The Court at the admission stage made the following:

ORDER:

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Declaring that the petitioners are entitled for grant of relaxed standard in qualifying marks for the examination of Junior Telecom Officers held on 06.05.2000 against 35% quota in the same lines as was granted vide Lr.No.12-15/2002-DE, dated 10.03.2003 by Bharat Sanchar Nigam Limited in respect of Junior Telecom Officers against 15% quota vacancies in the examination held for promotion to Junior Telecom Officers in the year 1999 and 2000 with all consequential benefits such as promotion, seniority, arrears of pay and allowances etc., the present writ petition is filed.

Heard the learned Counsel for the petitioners and the learned standing Counsel for the respondents.

There are three methods in filling up of posts of Junior Telecom Officers in the respondent Corporation. One is 15% quota through competitive examination,

second is 35% quota through departmental screening test, and third one is 50% quota by direct recruitment. In respect of 15% quota, the relaxation was given by virtue of proceedings dated 10.03.2003.

The petitioners, who come within the category of 35% quota, requested the respondents to consider them on par with the candidates under 15% quota. The union said to have given a representation to the respondents on 05.02.2004 in this regard. The respondents have to take appropriate decision thereon in accordance with law, rules and regulations.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents to take appropriate decision on the representation of the Union dated 05.02.2004, if it is available with them. If the petitioners are not parties to the said representation, they are at liberty to make a representation to the respondents, within a period of 3 (three) weeks from the date of receipt of a copy of this order, and on receipt of such representation, the respondents shall take appropriate decision there on within a period of 6 (six) weeks.

With the above directions, the Writ Petition is disposed of. No order as to costs.

Dated: 28.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Secretary to Department of

Telecommunication, Union of India,

Doorsanchar Bhavan, New Delhi

2. The Director General,

Bharat Sanchar Nigam Limited,

Sanchar Bhavan, New Delhi

3. The Chief General Manager, BSNL,

Andhra Pradesh Circle, Abids, Hyderabad

4. The General Manager, Telecom District,

BSNL, Adilabad

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